



Policy Brief

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GUINEA

The main challenges of the new president

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INTRODUCTION

On 27 June 2010, Guineans went to the polls to elect one of 24 aspirants to the presidency. The Guinean Constitution (Article 32) requires a candidate to have gained an absolute majority in order to be elected president. None of the aspirants garnered the required percentage of votes in the first round. Thus, a run-off poll was organised between the former Prime Minister, Cellou Dalein Diallo, and the long-time opposition leader, Alpha Condé, the two leading candidates in the first round. Diallo, representing the Union of Democratic Forces of Guinea (UFDG) party, had garnered 43.69 per cent of the votes and was supported in the run-off poll by a coalition called 'Cellou Dalein for President' (*Alliance Cellou Dalein Président*). Condé, the candidate of the Rally of the Guinean People (RPG) party, had come second with 18.25 per cent of the votes and was supported in the second round by the 'Rainbow Alliance' (*Alliance arc-en-ciel*).

After a few postponements, the run-off poll was finally held on 7 November 2010. On 15 November the National Independent Electoral Commission (CENI) declared Condé the winner with 52.52 per cent of the votes against 47.48 per cent for his rival, who contested the results in the country's Supreme Court. Following a careful examination of these complaints, the Supreme Court on 2 December confirmed Condé's victory and Diallo accepted its ruling. The various electoral observer missions deemed the poll to have been generally transparent and credible.

The new president is taking over a ruined economy, a country with widespread poverty, general insecurity and a

high unemployment rate. Moreover, the electoral campaign during the second round, as well as the announcement of the provisional results, saw many waves of violence taking place between supporters of the two candidates. More worrying is that some of the violence took on ethno-political dimensions, thereby compromising national cohesion and inter-community harmony in the country.

The aim of this policy brief is to draw attention to some of the main challenges that the newly elected president of Guinea will face, and to formulate policy recommendations in view of addressing these challenges. For the first time since it regained its independence in 1958, Guinea has a president who has been democratically elected without any undue advantage of incumbency. Given the many challenges facing the country, it is evident that the new president does not come with a magical wand capable of solving all the problems overnight. Nonetheless, he has the onerous task of meeting at least some of the pressing popular expectations of Guineans.

Based on this, the policy brief identifies five main areas to which the president should give priority, namely: (i) national reconciliation; (ii) inclusive governance, in the sense that the political opposition is regarded as a partner rather than an adversary; (iii) the fight against impunity and the establishment of the rule of law; (iv) reform of the security sector; and (v) improvement of the living conditions of the masses. This list is evidently not exhaustive given that every sector deserves attention in Guinea, owing to the decay of State institutions.

PRIORITY AREAS

National reconciliation

In view of the aforementioned waves of inter-ethnic violence across the country, it is clear that the first challenge facing the new authorities is finding ways to heal the wounds, establish inter-community trust and reconcile the various segments of Guinean society. Notwithstanding the fact that most of this violence was due to political manipulation, supporters of both alliances and a large number of the general population was affected by this violence. The need for national reconciliation becomes even more imperative given the apparent polarisation of the population between supporters of the two candidates, according to the results validated by both the Electoral Commission and the Supreme Court. The elected president, despite winning in all but one of the four regions of the country and all but one of the five communes of Conakry, the capital, did not have the support of about 47 per cent of the population, who voted for his rival.

It is therefore encouraging that Condé has declared that he will be the ‘President of all Guineans’. He also extended an olive branch to the losing candidate, noting that he would need the support and abilities of all Guineans in order to succeed in his mission. This is a good sign, which makes the first recommendation of this policy brief a call on the new president to translate this declaration of goodwill into reality, notwithstanding the possible difficulties he might encounter in doing so. The coalition of Diallo should also show a spirit of cooperation by reacting to this goodwill in a positive manner in order to facilitate the process of national healing and reconciliation.

‘Government of National Unity’ or a strong opposition?

During the electoral campaign for the second round, both candidates committed themselves to the formation of a Government of National Unity (GNU) in the event of their victory, which would incorporate elements of the other camp. Soon after the announcement of his victory, Condé reiterated his commitment to this promise. Given the tense political climate in the country, the proposition of a GNU appears to be a good one in principle, and the commitment of the elected president to preserve the

national unity is laudable. In the short term, such an arrangement could contribute to a significant reduction in tension between the supporters of the victorious and losing candidates.

This notwithstanding, a GNU of parties may not achieve these objectives in the long run – in fact, it might even undermine the democratic process. In addition to the difficulty of achieving the GNU in reality, this argument is based on at least four other considerations. The first one is that a GNU could lead to a political stalemate, which could have a negative impact on the pace of implementing development projects in the country. Or it could lead to cycles of governmental instability that could compromise the same (i.e. development projects). The second reason in support of this argument is that a GNU will make it difficult for the population to hold an identifiable governing team accountable for its various actions or inactions, as the government will be composed of all the main political actors in the country. Yet the principle of accountability of rulers is an important one in any democratic system.

The third reason not to opt for a GNU of parties is the danger it could pose to the role of the opposition and the strong possibility that it could establish the ‘authoritarianism of consensus’, a system similar to that of one-party systems. It should finally be noted that establishing a GNU after one candidate had a clear victory could have a negative impact on the behaviour of losing candidates in future elections, as they might start to contest election results in order to force the establishment of a GNU. This would remove one of the essential objectives of electoral processes, namely to allow the people to freely replace one government with another.

But Condé has since indicated that his proposition regarding a GNU is not necessarily that of political parties, but that he rather means a government in which all segments of Guinean society will be represented. Indeed, he can do that from within his own alliance. His Rainbow Alliance includes 16 of the 24 candidates in the first round and more than 100 of the 130 or so registered political parties in the country, which are representative of all the regions and ethnic groups in Guinea.

Departing from this formula, which appears better than a GNU of political parties, the recommendation here is that

the new president go beyond this and create a veritable 'Status of the Opposition'. This mechanism would consist of designating a Leader of the Opposition, and have the State provide a salary for him/her and his/her staff. The Head of State would regularly consult him on important national issues to ensure broader buy-in. The Head of State could also assign missions of mediation and good offices to the Leader of the Opposition, both inside and outside the country, and involve him/her in the reception of foreign dignitaries visiting the country.

While some could view this mechanism as a recipe for co-opting the Leader of the Opposition, this is not the case, for the simple reason that the proposed mechanism is to be a constitutionally backed mechanism in that neither the institution nor the choice of its holder should depend on the will of the Head of State. The salary given to the Leader of the Opposition and his/her staff should be seen as that which opposition parliamentarians receive from the State. It is a 'right', not a 'favour'. With this clear, the way in which this mechanism can be put in place now needs some elaboration.

In general terms, two modalities can be suggested. The first one is to consider as the Leader of the Opposition the candidate who occupied the second position in the poll that led to the election of the Head of State, be that the first or second round. The advantage of this formula is that it recognises the representativity of the losing candidate, who may have garnered close to half of the national votes, as was the case with Diallo in this particular instance. It also has the advantage of stability, given that the mandate of the Leader of the Opposition will run concurrent with that of the Head of State.

The second modality is for the Leader of the Opposition to be the leader of the main opposition party in the National Assembly. This is similar to the proposal made in April 2010 by the 'Diawara Project' in neighbouring Mali, which is a proposal of political reforms initiated by President Amadou Toumani Touré to be adopted pending a constitutional referendum. The advantage of this model is that it avoids the designation of a 'fake' Leader of the Opposition based on the first formula, as the party of the second candidate in the presidential election might not be the majority opposition party in Parliament; their political fortunes may have changed in the interval between the presidential and legislative elections. But this formula has the disadvantage of instability in case of the dissolution of

the National Assembly and the reconfiguration of the new legislature following a new election (Articles 92 and 136 of the Constitution).

Impunity, justice and rule of law

Since it regained independence in 1958, many types of crimes have been committed in Guinea, ranging from economic crimes (the embezzlement of public funds) to political ones (such as the massacre of 28 September 2009). Regarding economic crimes, it should be recalled that the regime of Lansana Conté (1984–2008), particularly its last years, was characterised by predatory acts and grand corruption involving Conté himself and his cronies.

The military junta called the National Council for Democracy and Development (CNDD) that seized power after Conté's death in December 2008 initiated a financial audit of various institutions and officials of the former regime. Though the aim of this process is noble, even necessary in normal circumstances, the tense political climate in the country makes it necessary for the new authorities to focus more on the future than the past, as corruption is a continuous practice. Moreover, the audit of the past in Guinea is likely to be problematic: how far back should the auditors go and what would be the objective criteria to decide the cut-off date? Is it not the case that the entire rule of Conté was characterised by corruption and that the same continued under the military junta until the last minute? In any case, it will be politically dangerous to initiate any audit that will target Cellou Dalein Diallo as a former Prime Minister, as some had proposed under the CNDD. This could be seen as a political witch-hunt with dire consequences.

In relation to human rights violations, particularly those that occurred during the massacre of 28 September 2009 and the popular protests of January/February 2007, there is no denying the fact that those were atrocious crimes. Some of them, like murder, rape, torture and abduction, constitute crimes against humanity, according to the Rome Statute (Article 7) of the International Criminal Court (ICC) that Guinea ratified on 14 July 2003. Calls will therefore be made, both from within and outside of Guinea, for the ICC to be apprised of these matters. Without denying the legal competence of the ICC in this regard, the ICC and its measures of 'criminal justice' may not provide an appropriate remedy to these crimes. First,

the ICC only deals with perpetrators that ‘bear the greatest responsibility’ for only the three types of crimes (i.e. war crimes, crimes against humanity and genocide) over which it may exercise its jurisdiction. The Court does not have the means to go after every culprit. A good number of victims of these crimes know the perpetrators in person, but many of these suspects could slip through the ICC’s net due to its criteria of gravity and level of responsibility, thereby constituting a denial of justice for the victims. Moreover, the destabilisation capacity of some of the suspected culprits, who may be senior military officials, cannot be underestimated. Any attempt to indict or arrest these senior military officers could lead to yet another cycle of instability, causing more human rights violations that the ICC’s involvement is expected to prevent.

In any case, the ICC only complements national jurisdictions (Article 1), meaning that the primary responsibility for punishing these crimes falls within the purview of the Guinean authorities. Their involvement in addressing these crimes will make their prosecution inadmissible to the ICC (Article 17). Thus, in view of the limitations of the ‘legalist’ approach and its potential perils in this case, our recommendation is for the Guinean authorities to establish a Truth and Reconciliation Commission with the objective of establishing the facts, identifying the culprits, offering *genuine* apologies to the victims and, most importantly, putting in place measures that will ensure these crimes are not repeated in future. These are measures of restorative justice in a spirit of reconciliation and not retribution. It is encouraging to see that the new president is thinking along these lines. Added to this should be a concerted effort to reform the judicial system and make it more accessible to ordinary people.

Security sector reform

The entire security sector (army, gendarmerie and police) in Guinea is a source of concern for the majority of the population and a threat to the stability of the country. A good number of security personnel who are supposed to ensure the safety of ordinary people have instead become a threat to their security. Lacking discipline and civic education, some of them have developed the habit of terrorising the population. The solution to this problem is not only a matter of civic and professional training, which

is important, but also a question of improving their working and living conditions.

In addition to this, and as the new president noted in an interview with the French paper *Le Figaro* (16 November 2010), the reform of the security sector in Guinea will entail an improvement of the retirement conditions of security agents, the retirement of some senior officers to be replaced by younger and more educated ones, and the provision of continuous professional training for security personnel so they can engage in development projects, such as the construction and maintenance of roads, schools and hospitals, and become involved in the provision of emergency services, such as fire fighting. The new authorities must also avoid a nepotistic approach in the recruitment and promotion of security personnel.

Another strategy that could contribute to the reform of the security sector is to put in place incentives that would attract educated young Guineans into the sector, particularly the police and the gendarmerie, so as to allow an optimal utilisation of new technologies in the security sector.

Improvement of the living conditions of the masses

The new authorities in Conakry should have no illusions about the fact that they came to power on a wave of immense popular hopes and expectations to see significant improvements in people’s living conditions. Not only is responding to these expectations an electoral promise that all the candidates made, but the new authorities will have to show concrete and equitable results, thereby killing two birds with one stone. By investing in socio-economic development, particularly in infrastructure and social services (e.g. electricity, education, health and food security), and doing so in an equitable manner across the various regions of the country, the new president will have honoured his electoral promise, responded to a visible popular need, and contributed to national reconciliation by reassuring the neutrals and those who did not vote for him.

But this requires a number of measures. First, the new president needs to form a competent governing team whose members are selected based on merit and not on nepotism or favouritism. During his decades in opposition, and particularly during the electoral campaign, Condé had

called for a total change from the bad habits of the past. He must now translate this call into reality, which is not to say that he has to dismantle the positive achievements of previous regimes, for some of their legacies ought to be preserved. This change should be reflected particularly in a more transparent management of public funds and the adoption of innovative ways to generate and/or utilise existing and new resources to achieve effective results. In sum, one could argue that the new president has in his own 'Political and Social Programme' (his electoral manifesto), a clear guide to help him achieve this goal. He must now implement the manifesto in good faith.

CONCLUSION

It is evident that the task ahead of Condé is daunting, but not insurmountable. The Guinean masses that have just elected him are more interested in the 'dividends of democracy' than its procedural aspects – albeit those are also important. Coming to power at a time when the country's economy is in ruin and following an electoral campaign that saw waves of ethno-political violence, the new president has the thankless task of having to reconcile a nation, while, at the same time, developing the economy and improving the living conditions of Guineans. The president will need the cooperation of his runner-up to reconcile the people of Guinea. Democracy is meant to empower the citizenry in the governance and development of the country. A divided nation can hardly develop and improve the lives of its citizenry. Thus, a reconciled Guinea will be one of the indelible achievements of Condé.

To achieve his political objectives, it is imperative that he surrounds himself with competent technocrats and politicians reflecting the demographic diversity of the country. He has to adopt a transparent approach in his management of state affairs, and communicate regularly with the people so that they are informed about the ongoing structural reforms. Guinea will surely need the support, both technically and financially, of the international community to ensure that it consolidates its fledgling democracy. But the new President must also work hard to mobilise local resources, which are abundant.

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